The above Amendments and these Remarks are in reply to the Office Action mailed September 28, 2006.

Currently, claims 1, 3-11, and 13-70 are pending. Claims 1, 4, 8, 10, 11, 13, 20, 21, 27 and 28 are amended, and new claims 53-70 are presented. No new matter is added.

Regarding claims 1, 4, 21 and 28, see Applicants' specification, p.7-8, bridging paragraph. Regarding claim 8, 20 and 27, see p.27, first full paragraph, Fig. 8 and pages 20-21, bridging paragraph. Claim 10 is amended to add clarifying language. Regarding claim 11, see p.24, lines 23-26. Regarding claim 13, see p.26, lines 25-27. Regarding claim 53, see p.21, lines 20 and 21. Regarding claims 54 and 55, see p.3, lines 6-8. Regarding claim 55, see p.3, lines 6-8. Regarding claim 56, see p.9, lines 24-26. Regarding claim 57, see p.10, lines 26-30. Regarding claims 58, 60, 63, 64 and 71, see p.7-8, bridging paragraph. Regarding claim 59, see p.12, lines 19-20. Regarding claims 61 and 62, see p.12, line 26. Regarding claim 65, see p.12, lines 1-9. Regarding claims 66 and 70, see p.8, lines 18-21. Regarding claim 67, see p.12, lines 1-3, 19 and 20. Regarding claim 68, see p.5-6, bridging paragraph. Regarding claim 69, see p.28, lines 23-24. Regarding claim 72, see p.12, line 26.

The specification is amended as requested by the Examiner.

Claims 1, 3, 7-10, 28-36, 41-45, 47 and 52 have been rejected under 35 U.S.C. 102(b) as being anticipated by Wu et al. (US 5,987,256) (Wu). Applicants respectfully traverse this and the other rejections.

Claim 1 as amended sets forth, in part, compiling a mark-up language description of particular content to create executable code for a rendering entity different than and within a browser, where the mark-up language description includes one or more source files which describe a user interface behavior of the content. Wu provides a thin client platform for processing an object specified by an object specifying language such as HTML, Java or other languages which rely on relative positioning (abstract). The thin client platform has limited processing resources and is therefore unsuited for storage and execution of an HTML rendering program, Java virtual machine (JVM) or other rendering engine for such standards (abstract). In particular, the thin client platform is designed to handle simplified graphics primitives that define rectangles, text and bitmaps (col. 5,

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lines 5-7 and col. 6, lines 12-15). Wu uses a precompiler which translates standard HTML, Java or other programs to display-oriented language codes for use by the thin client platform (col. 2, lines 56-61, col. 3, lines 6-12).

Accordingly, Wu is not compiling a mark-up language description as claimed. First of all, Java is not a markup language. HTML is a markup language but the standard HTML with which Wu is concerned does not includes one or more source files which describe a user interface behavior of the content as claimed. For example, as set forth in claim 66, the one or more source files can define a visual appearance of the content. Further, as detailed in dependent claims 56-68, the one or more source files can include a view template of a user interface element, a view class which supplies default properties, behavior, and child views which the view templates instantiates, or an element which references a media file, e.g., containing a static image, animation, movie, .SWF file, or audio. The one or more source files can also include an inline definition of formatted text or an inline definition of vector graphics. The one or more source files can also define a connection to a web service.

These features, which are provided by one or more source files as claimed, are simply not disclosed or suggested by Wu taken alone or in combination with the other cited references.

Applicants' dependent claims provide further patentable features. For example, claim 8 sets forth transforming media content to an accepted format, providing a reference to the media content in executable code, and adding the transformed media content to the executable code. In contrast, Wu translates standard HTML, Java or other programs to simplified graphics primitives which are executed at a thin client platform. There is no disclosure or suggestion of providing executable code which includes a reference to transformed media content which is added to executable code.

Claim 9 sets forth compiling which includes converting a mark-up language description to action script and compiling the action script into action script byte code. The portion of Wu which is cited as disclosing this feature is col. 17, lines 49 and 50, which refers to translating Java byte code to a reduced byte code. However, converting Java byte code to a reduced byte code does not involve converting a mark-up language description as claimed since Java is not a markup language.

Independent claim 1 and the dependent claims thereof are therefore clearly patentable.

Independent claim 28 sets forth, in part, accessing a mark-up language description of particular content, where the mark-up language description references a media file, and compiling

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the mark-up language description to create executable code for a plug-in to a browser. The cited passage, col. 17, lines 10-22 of Wu, refers to a display routine of the thin client platform which is executed. The process executes applets which are included in a file. However, the applet is not executable code which is created by compiling a mark-up language description. Further, the applet is not created by the precompiler of Wu since the precompiler only provides simplified graphics primitives. Additionally, Wu does not disclose or suggest a mark-up language description that references a media file such as a static image, animation or movie (see claims 59-61).

Independent claim 28 and the dependent claims thereof are therefore clearly patentable.

Independent claim 33 sets forth, in part, compiling first code to create executable code for a plug-in to a web client. Regarding the cited passage at col. 2, lines 17-19, this refers to a rendering engine 12 (Fig. 1) at the thin client which handles the intermediate object language (e.g., the simplified graphics primitives). However, there is no indication that the rendering engine is a plug-in to a web client or that there is a web client apart from the rendering engine.

Independent claim 33 and the dependent claims thereof are therefore clearly patentable.

Independent claims 41 and 45, and the dependent claims thereof, are similarly patentable.

Withdrawal of the rejection is therefore respectfully requested.

Claims 6, 18 and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wu.

These claims are patentable at least by virtue of their dependence on an independent claim which is patentable as discussed herein.

Withdrawal of the rejection is therefore respectfully requested.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Russell (US2002/0069420).

This claim is patentable at least by virtue of its dependence on an independent claim which is patentable as discussed herein. Further, claim 11 as amended sets forth that compiling (of a mark-up language description of particular content to create executable code) and transmitting (of the executable code) are only performed if authenticating is successful, where different types of authenticating are provided for different types of content and/or for each item of content. Russell is

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concerned with delivering content over a network, such as movie files. However, there is no disclosure or suggestion of allowing compiling based on authenticating as claimed. Further, a person of ordinary skill in the art would not be led to combine these references as suggested because the thin client of Wu can only handle simplified graphics primitives that define rectangles, text and bitmaps, but cannot handle movie files, music files, or video games files with which Russell is concerned (par. 4).

Claim 11 is therefore clearly patentable.

Withdrawal of the rejection is therefore respectfully requested.

Claims 4, 5, 13, 21-24, 26, 27, 37-40 and 46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Davis et al. (US6,643,696) (Davis).

Claim 4 as amended sets forth that particular content includes data, and one or more source files (of a mark-up language description of the particular content) define a connection to an external data source for the data, where the external data source is external to a server. The data is accessed at the external data source in response to the mark-up language description and compiled to executable code. Wu does not disclose or suggest any such source files which define a connection to an external data source. Davis provides a process for tracking client interaction with a resource such as a web page downloaded from a server. In particular, an HTML document is downloaded from a server, then images specified by first embedded URLs are downloaded. A second embedded URL in the document points to a first executable program that runs on a server. A third embedded URL in the document points to a second executable program that is downloaded to and runs on the client. When the images specified by the first embedded URLs are downloaded, the first executable program on the server runs. The server can capture identifying information from the client. The second executable program determines the current time when it initializes, and the current time when the user leaves the HTML document. The elapsed time is then reported to the server (col. 5, line 40-col. 6, line 16).

Davis is not concerned with translating standard HTML, Java or other programs to provide simplified graphics primitives. Accordingly, Davis and Wu are concerned with different technical problems. The Examiner asserts that it would be obvious to modify Wu to download a web page which would call a secondary application, and to compile the secondary application for presentation

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to the client. The asserted motivation is to allow Wu's system to use Davis' content. However, Wu's system is directed to processing a display object specified by an object specifying language such as HTML, Java or other languages which rely on relative positioning, e.g., to enable use of displays with different dimensions, resolutions, etc. (col. 1, lines 27-34 and 55-63). Wu provides no way of compiling and running the second executable program of Davis. Accordingly, the proposed combination would be inoperative. "If when combined, the references 'would produce a seemingly inoperative device,' then they teach away from their combination." Tec Air Inc. v. Denso Manufacturing Michigan Inc., 192 F.3d 1353, 52 USPQ2d 1294 (CAFC 1999). One of ordinary skill in the art would intuitively see this, and would therefore be led away from the proposed modification.

Moreover, the proposed combination, even if made, *arguendo*, still fails to result in Applicants' claimed invention at least because the second executable program of Davis is not data of particular content that is requested at a server, because the data is not accessed at a source external to the server which receives the request. This is true because the third embedded URL points to the second executable program, not to a server which accesses the program from an external source. Similarly, the object requested by the rendering engine of Wu is not obtained from an external data source via a connection which is defined by one or more source files of a mark-up language description of the object.

Claim 4 is therefore clearly patentable.

Claims 5 and 13 are patentable for the reasons discussed in connection with claim 9.

Independent claim 21 is patentable for the reasons discussed in connection with claims 1 and 4.

Claim 27 is patentable for the reasons discussed in connection with claim 8.

Independent claim 37 sets forth, in part, receiving (at a server) a request for content that includes data other than code, acquiring the data from a data source external to the server, and compiling the data to create executable code. Applicants note that the Office Action at p.16 repeats the rejection of claim 21 at p.13-14, but does not address the language of claim 27. The Office has therefore not met its burden to set forth a *prima facie* conclusion of obviousness. MPEP 2142.

The remaining claims are similarly clearly patentable.

Withdrawal of the rejection is therefore respectfully requested.

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Claims 14-17, 19, 20 and 48-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Wagner (US6,085,224).

Independent claim 14 sets forth, in part, accessing first code associated with particular content, where the first code includes a mark-up language description and a scripting language description, and compiling the mark-up language description and scripting language description to create combined executable code.

Wagner is concerned with detecting hidden data such as cookies in a data stream. Wagner states at col. 15, line 61 to col. 16, line 15 that embedded commands can be used to activate or execute a program or applet. Programs which may be activated by an embedded command include Java script programs. For example, an HTML tag can be used to invoke a Java applet. The Examiner assets that it would be obvious to modify Wu by including scripting language embedded within a markup language file. However, Wu teaches against the proposed combination since Wu sets forth that a translation process is selected according to the identified object specifying language (e.g., HTML or Java) (col. 2, lines 31-37). Wu further provides separate precompilers for HTML and Java, respectively (Col. 4, lines 66-67, Figs. 3 and 4). Thus, the translation/compiling process is clearly specific to the object specifying language. Accordingly, the proposed combination could only be made impermissibly in view of Applicants' invention.

Accordingly, claim 14 and its dependent claims are clearly patentable.

Dependent claim 20 is patentable for the reasons discussion in connection with claim 8.

Independent claim 48 sets forth, in part, accessing a mark-up language description and a scripting language description associated with content at a server, acquiring data from a source external to the server, and compiling the mark-up language description and the scripting language description at the server to create executable code. Similar to the comment above regarding claim 37, Applicants note that the Office Action at p.21 repeats the rejection of claim 21 at p.13-14, but does not address the language of claim 48. The Office has therefore not met its burden to set forth a *prima facie* conclusion of obviousness. MPEP 2142.

Withdrawal of the rejection is therefore respectfully requested.

In view of the above, each of the pending claims is believed to be in condition for immediate

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allowance. The Examiner is therefore respectfully requested to pass this application on to an early issue.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: _____ March 27, 2007 _____   By: ___/Ralph F. Hoppin/_____
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